IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Crl.Rev.Pet.No. 379 of 1999()

ST.2298/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT, NILAMBUR DT. 16.11.98.
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REVN. PETITIONER: COMPLAINANT

RAJAN, S/O. NANU VAIDYAR,
NAKKUMKATTIL VEEDU, UPPADA P.O,
CHUNAKATHARA AMSOM- REP.BY
POWER OF ATTORNEY HOLDER- KOSHY GEEVARGHESE,
S/O.V.K.GEEVARGHESE, PALEMAD,
EDAKKARA AMSOM, NILAMBUR.

BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.N.MANOJ KUMAR

RESPONDENT: ACCUSED

K.T.ABOOBACKER,
THERATTAMMALKUZHIYIL THODIKA VEEDU,
ORGATTIRI P.O., AREACODE,
MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.379 of 1999

Dated this the 6th day of July, 2007

O R D E R

The revision petitioner is the complainant in the proceedings initiated under Section 138 of the Negotiable Instruments Act which is not taken cognizance by the court below on the ground that it appeared that the complainant had sent two registered notices and cause of action mentioned in the complaint cannot be traced from the first notice.

2. I find that further the Magistrate has dropped the proceedings which is impermissible. The order of the court below is set aside. The court below is directed to take cognizance of the matter, issue fresh summons to the accused and dispose of the case on merits. The revision petitioner shall appear before the court below on 8.8.2007.

The revision petition is allowed.

K.R.UDAYABHANU,
JUDGE

csl